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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,891	02/26/2002	Jay Baker	2705-172	7487

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EXAMINER

SALAD, ABDULLAHI ELMI

ART UNIT PAPER NUMBER

2157

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/083,891

Applicant(s)

BAKER ET AL.

Examiner

Salad E. Abdullahi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/9/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This application has been reviewed. Original claims 1-17 are pending. The rejection cited stated below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-17 rejected under 35 U.S.C. 102(e) as being anticipated by Herbert et al., U.S. Patent No. 6,088,749[hereinafter Herbert].

As per claims 1, and 14, Herbert discloses a method of tunneling any existing data, control-, or routing-related protocol through a generic Internet protocol (P) transport, the method comprising:

first providing a generic messaging structure that includes at least a transport protocol (Layer 4 protocol), a message buffer (see fig. 10), a source-address field and one or more data fields for transparent routing of a user protocol over the P transport (see figs. 5 and 10 and col. 2, lines 60-67, col. 12, line 16 to col. 13, line 14); and second providing an application program interface(API) to the generic messaging

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structure, the interface including a mechanism for a user to choose a desired transport and associated protocol for transparently routing the user protocol over the transport in accordance with the chosen transport protocol within the one or more data fields (see col. 9, 29-53 and col. 12, lines 21-24).

As per claim 2, and 15, Herbert discloses the method of claim 1 which further comprises:

creating a base class library including plural defined source and header files, and third providing a mechanism for deriving a transaction-based protocol-specific class that is compatible with the base class library (see col. 20, line 60 to col. 21, line 17)..

As per claim 3-4, and 7-8, Herbert discloses the method of claim 2, wherein the user protocol includes one or more headers followed by an integer number of tag-length-value (TLV) trios compliant with the user protocol (see fig. 5)

As per claims 5 and 16, Herbert discloses a method of tunneling any existing data, control-, or routing-related protocol through a generic Internet protocol (P) transport, the method comprising:

creating a base class library including plural defined source and header files, and third providing a mechanism for deriving a transaction-based protocol-specific

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class that is compatible with the base class library (see col. 20, line 60 to col. 21, line 17).

As per claim 6, and 17, Herbert discloses the method of claim 5, further comprising second providing a generic messaging structure that includes at least a transport protocol (Layer 4 protocol), a message buffer (see fig. 10), a source-address field and one or more data fields for transparent routing of a user protocol over the P transport (see figs. 5 and 10 and col. 2, lines 60-67, col. 12, line 16 to col. 13, line 14); and third providing an application program interface(API) to the generic messaging structure, the interface including a mechanism for a user to choose a desired transport and associated protocol for transparently routing the user protocol over the transport in accordance with the chosen transport protocol within the one or more data fields (see col. 9, 29-53 and col. 12, lines 21-24).

As per claim 9, Herbert discloses an application programming interface for transparently routing data between sockets in an Internet protocol (1P) transport, the interface comprising:

a message buffer data structure defining a protocol-generic parent class, message, source-address and data fields see figs. 5 and 10 and col. 2, lines 60-67, col. 12, line 16 to col. 13, line 14);

a message creation mechanism for creating a message and adding it to the message buffer data structure (see figs. 5 and 10 and col. 2, lines 60-67, col. 12, line 16 to col. 13, line 14);and

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a protocol creation mechanism for deriving a protocol-specific child class that renders new protocol-specific sub-fields of said protocol field of said message buffer data structure (see col. 9, 29-53 and col. 12, lines 21-24).

As per claim 10-11, Herbert discloses the interface of claim 9 in which the data to be routed represent a defined protocol, wherein said message includes one or more headers followed by an integer number of tag-length-value (TLV) trios compliant with the defined protocol (see fig. 5)

As per claim 12 and 13, Herbert discloses the interface of claim 11, wherein said message creation and protocol creation mechanisms include computer-readable and computer-executable software instructions, which includes software source code and headers in C/C++ programming language form (see col. 21, lines 42-54).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Salad E. Abdullahi whose telephone number is 571-272-4009. The examiner can normally be reached on 8:30 - 5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can

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be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Abdullahi Salad
6/9/2005